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SPEECH

OF

HON. JAMES S. GREEN, OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES, APRIL 4, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. GREEN addressed the House as follows:

Mr. CHAIRMAN: I have sought this opportunity to address the committee, with no disposition to increase the present raging excitement. My purpose is not to add fuel to the flames that already threaten to envelop us in one general conflagration. Peace is my desire. Harmony among the States, with strict justice to all, my best efforts shall be directed to attain. But, sir, we need not disguise the truth. We should not deceive ourselves. It is idle to sing songs of peace, while fearful dangers hang thick around us. We must see the danger and rightly apprehend it, in order to provide against the difficulty, and ward off the threatened calamity. No ideal or imaginary alarm should ever excite us; but when we must know our Union is in peril, and the dearest rights of freemen menaced with destruction, it is our solemn duty to come to the rescue, and exert every faculty of body and of mind to preserve our Government, and maintain the cherished principles of our institutions. Such is the condition of affairs at the present time. My object, therefore, is to contribute to the restoration of harmony, and assist in the settlement of all the agitating questions which unfortunately array one section of the Union against another, and jeopardize the longer continuance of our political relations.

Heretofore I have abstained from saying anything in this Hall on the subject of slavery. Abstract discussion, without reference to practical legislation, seemed to me to promise no good; but now, when grave and important propositions are pending, upon which I must soon vote, it becomes a duty to present to my constituents the considerations that govern my official action. It is my purpose to discharge that duty on the present occasion.

What, then, is the question before us? How shall it be met and settled? and what means shall be resorted to, in order to allay the great excitement and ill-feeling which have been gotten up, and have spread over our land? The real question is, the existence of domestic slavery; and its relation to the government of the Union should be examined with honesty and candor, on principles of enlightened human reason. It is useless to waste time by referring to the causes which have brought into existence the present state of affairs. They are well understood by the country. As practical men, we must meet the difficulty, and so adjust it within the scope of our power as to produce the greatest good to all, or, perhaps more justly speaking, the least evil to the country.

All are aware of the fact, that when the present Federal Government was formed, slavery existed in the States, and each one came into the Union with full knowledge of the recognition and guaranty of slavery by the Government thus created. This fact, in a moral and legal sense, is sufficient of itself to estop every one from interfering with, and prejudicing slavery through the action of the *partnership* Federal Government. Honor and good faith forbid it. Slavery enters into the elements upon which this Union is based. It is found in the legislative branch, in the executive branch, and in the power of taxation, which may be regarded as the vivifying and life-giving faculty of all Governments.

Surely a Government ought not, and cannot, rightfully exert any power to destroy one of the elements of its own existence; and that consideration should stay the hand of all friends of the country from attempting to injure the institution of slavery. But notwithstanding these facts, which cannot be doubted, the North allege that slavery is an evil, that it should not be permitted to spread over the territories acquired from Mexico, and that Congress should prevent it by such legislation as may be necessary to effect that purpose. To accomplish this end, different means are proposed. One is, to pass the Wilmot proviso, prohibiting slavery in all the territories; the other is, to evade the odious stigma of the proviso by artifice, and produce the same result by bringing California into the Union, and leave the other territories to follow her example, and prohibit slavery also, as the only means of insuring their admission as States. Both of these plans are designed by the provisoists to accomplish the same end—that of excluding the South from all participation in the enjoyment of the territory.

It is well known that the importation of slaves has been forever prohibited under the strongest possible penalties. All increase of slavery is, therefore, perpetually cut off, and the *only question with those who have the right to interfere with it, is one of internal regulation of a preëxisting institution.* Slavery is here, and fully recognized by the Constitution, and the point is raised whether it shall be confined to a limited space, to the destruction of the people, or whether it shall be permitted to diffuse itself over a wide surface, and thereby mitigate its evils, and disseminate its advantages—the sum total of slavery being the same in each case, without increase or diminution. Now, since new territory has been acquired, why should any efforts be made to circumscribe the limits of a constitutional institution, and prohibit it in the territory, which has been obtained by that Government whose elementary principles are based on slavery? Such efforts look to me as suicidal and revolutionary; they have the appearance of wanton insult to the southern States of the Union.

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The South do not ask for an increase of slavery, nor do they ask Congress to establish it by law anywhere. All they insist upon is, that the territory belongs to the whole Union, and not exclusively to the North, and that, therefore, they should not be excluded from it by law, but leave the subject to the control of natural causes under the guaranties of the Constitution of the United States. The restriction could not possibly result in any good; to the slave, so far from benefiting his condition, it would prove a serious and material injury. Cramped and confined within the limits he now occupies, his comforts, and even necessaries of life, must and will diminish in the certain ratio of natural increase, until misery and starvation terminate a suffering existence, or impel to some horrid deed of blood and carnage. Similar effects, from the same cause, have been produced in other countries, and every principle of humanity, as well as wise legislation, require us to avoid so fatal a calamity. To the white population, the restriction is fraught with still more appalling consequences—either to abandon entirely that country to the blacks, or exterminate them, or fall victims to their starving and excited fury.

These consequences may be remote, but they are, nevertheless, equally certain.

Jefferson took the correct view of the subject of restricting the area of slavery, and said, "I am 'certain, that as the passage of slaves from one 'State to another would not make a slave of a 'single human being, who would not be so without it, *so their diffusion over a greater surface would 'make them individually happier*," &c.

And Mr. Madison, in a letter to President Monroe, said, "I have certainly felt all the influence 'that could justly flow from a conviction that an '*uncontrolled dispersion of the slaves now within the 'United States, was not only best for the nation, but 'most favorable for the slaves also.*"

These distinguished statesmen, with that forecast and patriotism for which they ever stood pre-eminent, declared that the uncontrolled dispersion of the slaves now in the United States (for no more can be imported) was best, not only for the slaves, but for the whites also. Why, then, let me ask, should these lessons of wisdom be disregarded? Why should a policy be adopted which must result in injury to both races? The northern agitators pretend to admit they have no constitutional power to liberate the slaves. Now, if this interference, by restricting the area of slavery, as it is called, does not have the effect to liberate slaves, then nothing is accomplished to lessen slavery; but if the effect should be to induce or compel the master to emancipate, then an end would be produced by indirect means, which it is conceded could not be constitutionally done by direct means. That would, consequently, be legally and morally wrong, and if it should not follow, as a sequence to restriction, the sum of slavery would not be in the least diminished—so that, in either event, such interference is wholly unjustifiable, and ought to be condemned by all honorable men, and by all law-abiding citizens.

But it is sometimes said that, although it will do no good to the Union, and although it may injuriously affect the old slave States, yet it will save the territory from slave labor, and thereby prove a blessing to the inhabitants thereof. This sophistical idea has been urged so often, and with so much apparent sincerity, that it deserves a passing notice. Let me ask how the exclusion of slave labor from a territory, which cannot obtain a sufficient amount of labor, can possibly benefit the inhabitants? Labor is required and demanded, and if a portion is performed by the slaves, I cannot see how it can possibly injure the whites; so far from it, I believe it would be an advantage to the whites. The argument upon which the idea is based, will apply with equal force against all machinery, and all labor-saving inventions which, to that extent, dispense with white labor, and would appear to the superficial observer to diminish the demand.

Slave labor in the United States does not, and cannot, diminish the demand for white labor. We have millions of acres of wild, uncultivated, and fertile land, the productions of which, in the markets of the world, will more than compensate for the labor and capital employed; and there is room sufficient for all our laboring population to develop our resources, without injuriously affecting the white laborer by what may be performed by the slave. Indeed, the same principle that seeks to exclude slave labor, if adopted and carried out, will ultimately exclude all *foreigners* from our country. *Native Americanism* will be resuscitated, and the worthy German, and other European immigrants, will suffer the injuries of this false principle, by being excluded from our country and from the territory. Such restrictions are all wrong—they all proceed from a false view of the subject.

Slave labor does, to some extent, change the character and kind of labor for which the whites are required, without, however, diminishing the *aggregate demand* for their labor. The same may be said of wheat machines, corn planters, cotton jenneys, and the thousand inventions of our day. But still the call for white labor continues equally as great. Instead of being employed for menial and other unprofitable service, which must be performed by some person, they are made mechanics, artisans, farmers, &c., and the change in the kind of employment is favorable to increased wages.

To prove the truth of this remark, I invite gentlemen to compare the wages of labor in slaveholding and non-slaveholding States, from which it will be seen, that in the former wages are at least twenty-five per cent. higher than in the latter. Labor is rewarded South better than it is North. Then ought not this fact to silence those who clamor so much and so loud about free labor and free soil?

But apart from all this, and whether this position be true or untrue, what justice is there in Congress, whose powers are given for the protection of *all*, to legislate to the injury of the whole *South*, on the pretence of benefiting the territory? What right has the common agent of the partnership to injure fifteen sovereign States, full members of the firm, even if it should benefit the common territory or property *belonging* to the firm? Nay, sir, is it not far better—more just—more patriotic—more in accordance with the genius of our institutions, to hold the territory *belonging* to the *whole* Union, and regulate it for the *benefit* of all, on terms of perfect equality, with protection to life, liberty, and property, until the time when the sovereignty of the Union may permit the formation of an independent State, and then leave it for the people to settle the question for themselves?

But, Mr. Chairman, take another view of this subject. Suppose restricting the *area* of slavery should have the effect which is desired by its friends—that of making slavery unprofitable and

dangerous, and thus coerce the South to emancipate—consider the magnitude of the evils which would be produced. You take from the South the full value of their slaves, amounting to the enormous sum of at least FIFTEEN HUNDRED MILLIONS OF DOLLARS—ruining thousands of our best citizens, who have done as much to promote the general prosperity of the country as any in the Union—reducing families, widows, and orphans to poverty, beggary, and misery. Nor is this all, by any means. But by removing the *effective police*, which every master has over the slave, they will be turned loose, unfitted for self-government, to prey upon the property, honor, and lives of the whites; and theft and robbery, rape and murder, will become the every-day crimes of that population. I speak not to alarm the fears of the timid, but to point out certain effects which must follow. The valuable productions of the country will dwindle into insignificance, as they have done in San Domingo from the same cause. Landed estates and other property must depreciate—the whites will be harassed with the degraded blacks, who will gradually sink lower and lower in the scale of civilization, until some outbreak will lead to a war between the races, to be terminated only by the expulsion or extinction of one or the other.

It is certain the negroes ought not to be, and cannot be, made voters, and invested with part of the governing power of the country; and the two races being here in the same political community, it devolves upon the whites within their jurisdiction to regulate the relation between them, consistently with the rights of private property, so as to produce the least evil and greatest good. That end, in my opinion, is best attained by slavery—making it the interest of the whites to protect and control the blacks, and thereby connecting the vigorous intellect and active energy of the white man to guide, direct, and control the physical strength of the black man, and hence resulting in comparative mutual advantage. As the two races are here, the blacks must either be supported by society, or help to support society; and the relation of master and servant, it seems to me, is best calculated to promote the interests of both.

I am told, however, that the advocates of "free soil" do not intend to abolish slavery in the States, but leave that subject to State regulation. But such a declaration cannot satisfy me, nor induce me to withdraw my opposition. The *intention* with which the proviso is urged, does not in a political sense change the *tendency* and *effect* of the act itself; and it is very evident that it must injuriously affect all slave property, and is, in fact, one of the links in the abolition chain of measures; and its tendency to produce abolition, is the main ground upon which many have adopted it and now support it. And if this measure is carried, we have no guaranty that the work of abolition will stop there—by no means. The same principle that prompted it, will urge on to other acts, never to cease until their ultimate purpose is accomplished. It is far better to contend with the enemy at the first, than when driven to the last verge of our rights.

These considerations are designed to show the impolicy and impropriety of the abolition offspring, "free soil," and the necessity of energetic constitutional resistance to its enactment. The measure can produce no possible good, but will inevitably result in much harm. Besides, sir, is not something due to the fraternal feeling which binds this Union together? We are brethren of the same political Confederacy. We all no doubt sincerely love the Union, and desire its perpetuity. We see the South deeply excited on account of wrongs which she deems *real*, and which the North deems *imaginary*. This deep feeling and excited apprehension on the part of the South, can all be removed, and harmony and kind feeling restored, without any injury or sacrifice on the part of the North. Then I ask, in the name of the Union, and in the name of the compromising spirit of our fathers who formed it, ought not the North to desist and abandon an ideal ethical dogma, which promises them no real good, but which the South regards as threatening her with ultimate destruction. Whether the fears of the South are well or ill founded, nevertheless, when we see such fearful consequences likely to result, will not the patriotism of the North yield a mere abstract opinion, for the sake of restoring harmony and kind feeling between the different sections of our Union? To the North it is a mere abstraction, to the South it is vital—it involves everything. Why should the strong needlessly irritate the weak? Is that the way to preserve the Union? But above all, and beyond every other consideration, the Constitution stands as the great bulwark to shield and protect the South in the enjoyment of her rights; and these anti-slavery schemes, if carried out, will be in derogation of the sacred guaranties of that solemn compact. The Union is formed by the Constitution. Without it, there is no Union. It is the only political bond that holds us together: and every attack made upon it is an attack upon the Union itself.

It was especially designed to protect the minority, situated as the southern States now are. The majority need no Constitution for their protection; but when they are making inroads upon the only political safeguard of the minority, it little becomes them to charge the weaker party with a design to dissolve the Union. The charge, in my opinion, is wholly unfounded. All they ask is their equal rights under the Federal compact. The *real* disunionits are those who violate the Constitution of our Union; they are responsible for all the excitement and all the dangers that surround us. I feel justified in speaking for Missouri, whose devoted attachment to the Union cannot be surpassed by any other State. She will be, as she now is, and ever has been, faithful to the Constitution, and vigilant in protecting the rights of her citizens. These duties are strictly compatible, and as such she will certainly perform them. Her vast interest in slave property amounts to at least THIRTY MILLIONS OF DOLLARS, and this would be put in jeopardy by the measures of the "*Free-Soil*" party and their accessories. The wages of her industrious citizens, who earn their living by the sweat of their brow, would be reduced by the same means to the small pittance of New England wages. The security of all other private property would be endangered by the sanction of a principle which permitted *one* kind of property to be destroyed or depreciated through the action of the General Government. Even the safety of life itself to all classes, rich or poor, without distinction, would be periled by threatening massacre, resulting from misrule, anarchy, and confusion. She therefore, for the protection of life, liberty, and property, to all her citizens—for all are deeply interested, whether they

own slaves or not—has taken her stand under the Constitution of the country, in firm opposition to free soil, by whomsoever it may be advocated or encouraged; and as one of her humble Representatives, unawed by the frowns of designing men, I shall discharge my duty faithfully, and exert every power I possess, to protect the rights, the interests, and the honor of the people of Missouri. The false and futile charge of nullification and disunion shall not drive me from my sworn duty; and in doing this, I honestly believe it is the only means of preserving the Union. We cannot, and as members of this House we *dare* not, attempt to dissolve this Union, which we have sworn to support; but we should *beware* that we do nothing that will drive the people to madness, and force them, in the agony of despair, to make use of some revolutionary remedy, and sunder the political bonds that hold us together. And should that fearful crisis ever be *forced* upon the people, the deep and withering execrations of mankind will be upon those who passed and encouraged the oppressive measures that produce it.

And now, Mr. Chairman, I will briefly call the attention of the committee to the different subdivisions into which this all-absorbing question of slavery is divided. The whole subject, with all its grades, originates in a spirit of opposition to the domestic institution of the South, and now embraces—first, the prohibition of slavery in all the territory; second, the abolition of slavery in the District of Columbia; third, the evasion of the constitutional provision for the recapture of fugitive slaves; fourth, the abolition of slavery in all southern forts, or other property belonging to the United States; and fifth, the prevention of the passage of slaves from one slaveholding State to another, either by land or water, in coasting vessels. All this is sought to be done against the earnest appeal and solemn remonstrance of the South. If consummated, she must be completely and irretrievably *ruined*. Her voice is therefore raised in defence of her dearest rights, and for the maintenance of the Union in its purity; and we would be derelict in duty, if we did not pay proper respect to it in the adjustment of this whole subject. It *ought* to be done, it *can* be done, and I still indulge the fond hope that it *will* be done. Already are favorable indications coming to us from the North. The sincere friends of constitutional Union there, not influenced by political tricksters and demagogues, but by a sense of honor and patriotism, express a desire to settle the question on principles of justice and equality to the South, and thus forever remove the unfortunate element of discord.

I have submitted a proposition by which the question, in all the territory acquired from Mexico, can be finally and definitely settled. It is, to extend the Missouri compromise of 36° 30′ due west to the Pacific ocean, excluding slavery north and allowing it south of that line, while the territorial condition remains. This proposition is made, sir, not because it is strictly just to the South, or that Congress has any certain constitutional power to make any exclusion; but it is made in the spirit of *compromise*, as the least of threatened evils—to preserve the rights of the South in *some* degree—as a *peace*offering to save the Union from untold calamities, and to pacify the public mind on this agitating and fearful subject. As expressed by a distinguished Senator, [Mr. Berrien,] it is justified on the principle, that "the salvation of the people is the *supreme law*." It really amounts to a mere understanding, to which public opinion and actual settlement will readily conform; and under existing circumstances there is much to recommend this plan of adjustment. On a former occasion, when the Missouri controversy arose, and intense excitement on this same question pervaded the entire Union, threatening disruption and dissolution, then this compromise was adopted, and gave peace to the country, and comparative satisfaction to all. Public sentiment soon became pacified, and rational acquiescence gave it the force and efficacy of binding law. That compromise may not have been exactly right, but it was doubtless the best settlement that could then be obtained, as I believe it is *now*. And being a compromise of conflicting claims and opinions, the country has been disposed to abide by it, and regard it as forever settling the controversy between the North and South on the subject of restricting the area of slavery.

This was so well understood by every part of the country, that the same principle was applied by general consent, to the proposition for the annexation of Texas.

Then our wise statesmen were unwilling to interrupt the compromise that had been effected, and to open again for discussion this exciting and perilous subject of dispute. They treated it as finally settled, and its application to acquisitions of new territory was considered as a matter of course. Hence the extension of the same line through the territory of Texas.

Since then, New Mexico and California have been acquired, and the same reason exists, strengthened by bitter experience, for the application of that compromise to them. We should not destroy the adjustment which was effected with so much difficulty, and open afresh the wounds that endanger political existence. Rather let us adhere to it in good faith, extend the line to the Pacific, and our countrymen will cordially approve the act. When great questions which convulse the Union have once been amicably settled on terms of compromise, nothing short of imperative necessity should ever induce a departure from it.

This mode of settling the question, is also, in some degree, equitable in the division of the territory. True, it will give to the North much the largest portion, from which the slaveholder will be totally excluded; while in the residue, the North will have equal privileges with the South. The southern citizen might make some plausible complaint, though the northern citizen should be perfectly content. But when it is remembered that this proposition is in harmony with a prior compromise of the question, it seems to me that both sections of the Union should cheerfully acquiesce in it, for the sake of the peace and harmony of the whole country.

The strength of the Union depends in a great degree upon a spirit of kindness and cordiality. It should be our purpose to cultivate and diffuse that feeling; and in the adjustment of all serious controversies, special reference should be made to the means of exerting a genial influence on public sentiment. That which, under similar circumstances, has been so acceptable heretofore, will surely now receive careful and candid consideration.

But there is another reason why I feel it to be my duty to urge the adoption of the Missouri

compromise. The legislature of the State I in part represent, has passed resolutions of instruction in favor of it on two different occasions. In 1847 the following resolution was adopted:

"*Resolved*, That our Senators in the Congress of the United States are hereby instructed, and our Representatives requested, to vote in accordance with the provisions and the spirit of the said eighth section of the said act [the compromise] in all questions which may come before them in relation to the organization of new territories, or *States* out of the territory now belonging to the United States, *or which hereafter may be acquired, either by purchase, by treaty, or by conquest.*"

This resolution, *instructing* the Senators and *requesting* the representatives, is plainly and explicitly in favor of the compromise I am now advocating, and for its application, not only to territories, but also to States. Nor has this resolution ever been repealed. In 1849, the legislature declared, "that for the sake of harmony, and for the 'preservation of our Federal Union, we [they, the 'General Assembly] will *still sanction the application of the principles of the Missouri compromise to 'the recent territorial acquisitions*," &c.

The will of the State, thus clearly expressed, is strictly binding upon the Senators, and should influence all her *serrants* in their political action. I shall therefore most heartily vote for the compromise, knowing it to be the will of my State, and especially my district, and believing it best calculated to restore quiet to the people, and peace and security to the Union.

It may be said by way of objection, that this compromise line will not harmonize with the geographical conformation of the territory, and consequently produce some inconvenience to the settlements.

Be this as it may, I hold the permanent good of our present Union paramount to all considerations of convenience to the territories. And besides, it is well known that the habits of society, and the customs of communities, will soon adapt themselves to the fixed rules adopted in the exigency of public necessity—so that no serious evil would be felt, and no great inconvenience experienced, even in the territories themselves; while to the Union it would be as the bow of promise in the heavens—a perpetual covenant of concord and peace.

This proposition, sir, will dispose of the whole territorial aspect of the question. Nothing will be left for future strife and contention. No demagogue can again raise the question of "*free soil.*" No political aspirant can hereafter use it as an instrument to convulse the nation, and elevate himself to power on the hypocritical cry of "*Union*," which he, himself, had endangered. All will be quiet, all will be peace, all will be harmony. But almost any other disposition which may be made of this branch of the subject, will leave something open for future difficulty. Questions will be raised concerning slavery in the territory, the admission of States, or some other matter connected with the dangerous subject. The worst passions of the human heart will again be aroused, and in a phrensied moment the torch may be applied to the beautiful fabric of republican liberty. Let us now, once and forever, prevent a recurrence of these distracting scenes, and add an additional guaranty, to the safety and perpetuity of our institutions.

But, Mr. Chairman, we should not stop with the adjustment of the territorial question. Now that the subject is up for action, every branch of it should be amicably disposed of, to the satisfaction of the parties interested. That provision of the Constitution which was intended to secure the recovery of fugitive slaves, in every part of the Union, requires additional legislation to give it full force and practical effect. When the Union was formed, this provision constituted a *sine qua non* to its formation—a *pledge* to the South, without which they never would have become parties to the compact. It was supposed to guaranty the recapture of slaves, in every non-slaveholding State, with the same facility that they could be recaptured in the slave States, and is as obligatory as any other part of the Constitution. But has that just expectation been realized? Has the South been enabled to reclaim her fugitive slaves? Has this clause of the compact been observed, and carried out in good faith? We all know the contrary. We know it has been nullified in thousands of instances by northern citizens, and the provision has become almost wholly nugatory. It is with the utmost difficulty a fugitive slave can be reclaimed after having once escaped into a non-slaveholding State. Combinations and mobs are formed to prevent the recapture. Fraud, artifice, and *force of arms* are resorted to, in order to defeat the constitutional rights of the slaveholders. Even judges of courts and sworn officers of the law, as well as State governments, have interposed obstacles, to prevent the reclamations. Living in a border State, I have occasion to know by sad experience the serious injuries growing out of a disregard of this provision of the Constitution. My neighbors, and friends, and constituents, have suffered immense losses from such Abolition depredations. It is time the necessary remedy was applied. It is time the spirit of the compact was rigidly enforced, and that protection to southern property afforded which was originally designed. A southern citizen cannot travel North with his servant, on pleasure, on business, or even to discharge his official duty as a member of Congress, without losing his property, or avoid it with the utmost difficulty. A friend of mine, under such circumstances, had his servant stolen from him, and run off, in utter disregard of the Constitution; and yet these are the men *and their aiders and abettors* who have the audacity to charge the South with disunion, while they have already abrogated one of the solemn articles of the compact, and destroyed that important safeguard to protect southern property.

The necessary remedy—to correct the evil, and give efficiency to the Constitution—is of a two-fold character. First, Congress should pass a stringent law, providing all the requisite facilities for the apprehension and delivery of fugitive slaves, and making it highly penal for any person, in any manner, to obstruct or interrupt the due execution of its provisions, with proper punishment for aiding and encouraging the escape of slaves. A law of that description is demanded by the public interests, and from present appearances I believe there is a disposition in Congress to pass it. A bill for that purpose is now pending in one branch of Congress, and I trust it will soon become the law of the land. But something more should be done. The States, who are parties to the compact of union, should see that the bond of union is duly observed within their limits. They should, therefore, pass the necessary laws to suppress these combinations and efforts to prevent the recapture of fugitive slaves. There should

be hearty coöperation on this subject between all the members of the Union. If these things were done, the Constitution would be, as its framers intended it, a shield and protection to private rights and private property; and in this connection it is proper to remark that I do not wish to be understood as charging every northern citizen with violating the Constitution on this subject—by no means. I know there are many high-minded, noble-hearted, and patriotic citizens in the non-slaveholding States, who acknowledge the obligation of the Constitution, condemn the Abolition efforts, and render praiseworthy assistance to a master in pursuit of his runaway slave. I am sorry that this commendable class is not more numerous. But there is another class, much larger than the former, who, though they would not be guilty of kidnapping, yet will do nothing to prevent it, and will give "*aid and comfort*" to the fugitive. And there is still another class, more powerful in their action than all others combined, who will resort to any and every means to steal, secrete, and run off, a slave from his master. They are the mischief-makers, who have done so much harm to the slaves, to the masters, and to the whole country. And I am sorry to add, that their power and influence are such as to exert a controlling influence in many of the States. With them, the solemn compact of the Constitution—the certain precepts of positive law—the sacred rights of private property—the holy tenets of Christianity—all are disregarded and swept away by the fell spirit of fanaticism. And yet, strange to tell, they are courted and caressed by political partisans and aspiring demagogues, until their power has become formidable, and hence has resulted the serious and crying evils of which we so justly complain.

But the passage of the laws I have indicated, if faithfully executed, will, I hope, remove this grievance, and enable us to glide on smoothly and harmoniously, as brethren of the same Government, owing allegiance to the same Constitution.

Thus far in the adjustment of the subject, *positive* action is required to do justice to the country, and to pacify the turbulent elements of discord. For the other branches of the subject, *negative* action is necessary—in other words, a settled and fixed understanding, that no efforts shall be made by Congress to abolish slavery in the District of Columbia, or in any fort or other property belonging to the United States, situated in a slave State, nor to interrupt the passage of slaves from one State to another. This is demanded to quiet the apprehensions of the South, and to give assurances of security and peace. For this purpose, let a solemn declaratory joint resolution to that effect be passed by Congress, and approved by the President. Being a part of the general plan of compromise, it will have a degree of sanctity thrown around it which will produce a great moral influence on the public mind. It is true, such a resolution would not be respected by those who disregard the Constitution. Bigoted fanatics would rail against and seek to destroy it, as they now do their fundamental law; but the great body of the people would regard it as the fixed purpose of the Government, determined on in the spirit of conciliation, to allay the fears of the South, and gradually northern sentiment would mould itself in conformity with this settled purpose.

Ours is a Government of limited and specified powers, but its practical administration depends upon the popular will. Whatever, therefore, can influence the public will, and settle it down upon a just appreciation of constitutional obligation, is of the utmost importance to the statesman who seeks his country's good. The deliberate declaration of the Government made on this subject, in connection with the adjustment of the whole controversy, to save the Union from the startling dangers that surround it, will go forth to the country in an imposing aspect, and exert an irresistible influence on the intelligent mind. The harassing agitation will grow less and less. The northern masses will discountenance the wicked incendiary; the southern citizen will feel secure under the protection of the Constitution. Peace will spread over us as a mantel, the kindly feelings of the human heart will be called into lively exercise, and brotherly love will unite us together, closer and closer, in perpetual bonds of mutual interest and fraternal regard.

Mr. Chairman, these brief hints and suggestions are made with the sincere desire of eliciting some just plan of amicable compromise. That which I have proposed is reasonable and just, and suited to the present distracted condition of the country. It will inflict no injuries upon the North, and it will calm the troubled mind of the South. The whole question will be disposed of, and no bone of contention left to disturb our peace, and excite one section of the Union against another. For these reasons I am anxious to see this plan adopted; but I am ready and willing to support any other mode of adjustment which may be more acceptable to all parties, and better calculated to promote the ends of justice, and preserve the equal rights of the members of this confederated Union. Indeed, so far as the territorial branch of the question is concerned, the Missouri compromise is not the proposition I would prefer, if I had my choice. But as concessions are necessary to effect a complete settlement—as the State of Missouri has twice instructed in favor of it—and with the hope and expectation of bringing the North and South to common ground, and silence the clamor of *free soil* in all time to come, I am ready to yield so far, and make a final and conclusive disposition of the subject on the terms I have proposed.

Mr. Chairman, a few words with reference to California. A bill is pending for her admission into the Union as a State, with the boundaries she claims, and without settling or attempting to settle, any of the other questions now agitating the public and endangering the Union on the subject of slavery. It is specially urged and advocated by the Abolitionists and Free Soilers, from the fact that slavery will be forever excluded, and thus accomplish all they desired from the Wilmot proviso. I do not charge others, however, who will also support it, but from different considerations. Both of these classes are in favor of admitting California into the Union at once as an independent State: the first class favor it *because* slavery will be thereby excluded, and the latter favor it *notwithstanding* the exclusion. I have no desire to impugn the motives of any man's political action, but the consequences necessarily flowing from it constitute a legitimate subject of investigation.

And, sir, for one I cannot reconcile it with my sense of duty to the State of Missouri, to vote for the admission of California, with her present boundaries, under existing circumstances, and leave the other parts of this difficult and dangerous subject unadjusted and unsettled. But I wish it distinctly understood that I do not oppose California, or the admission of any other State, from the mere fact that the people thereof decide against the institution of domestic slavery. Every sovereign State is entitled to determine that question for herself. The sovereign people are the best judges of their own wants and their own interests; and so far as Congress is concerned, my choice and preferred principle is *non-intervention*, to be carried out in its true spirit and honest understanding. At the same time it must be *actual* and *real* non-intervention, and not merely *pretended* and *nominal*, to conceal and cover up the truth, and gild over the schemes of the Abolitionists. I understand the doctrine of non-intervention to mean *the entire absence of any extraneous influence or consideration, to sway, warp, direct, or control the judgment or action of the people, with reference to the subject of slavery—that they shall be left*

to their own choice and own discretion to determine the question on its merits. This was the view taken of it in the canvass of 1848, by the Democratic party, and by General Cass, their candidate for the presidency. In that sense, I have always been in favor of it, and am so yet.

But, sir, has not non-intervention, as thus understood, been applied to California? Have the people there been left perfectly free to choose or refuse slavery, and influenced alone by their own inclination? To answer these inquiries, let the facts be adduced and carefully considered.

During the session of Congress in 18 8, propositions were repeatedly made to give governments to California, and the other territory, without any provision in regard to slavery, leaving that subject to be determined by the people according to their own will and pleasure; and that mode was called *non-intervention*. It was pressed again and again, but was as often rejected by the majority—thus declaring to the territories and to the world that Congress would not recognize the principle of non-intervention. The same Congress *refused* to give any government or protection to the territories, unless connected with the Wilmot proviso, excluding slavery and prohibiting the territories from settling it for themselves. All this is fresh in the recollection of members now present. The House of Representatives on several occasions passed the Wilmot proviso, and it was ultimately sanctioned by the Senate in consequence of the defection of a Senator from my own State. From these facts it was evident no government could be obtained for the territories, *in the then state of things*, without a positive enactment excluding slavery. Nor is this all. Most of the northern State Legislatures had declared against the admission of any more slave States. The same thing had been done by northern politicians, public speakers, mass meetings, and societies, evincing a fixed purpose and unalterable determination to oppose the principle of non-intervention, and compel the insertion of a provision forever excluding slavery.

Now, when the convention assembled in California, these facts were all before them. They saw that Congress had repudiated the doctrine of non intervention; that Congress had refused to trust the decision of the question to the discretion of the territory; that Congress had shown a settled determination to exclude slavery therefrom; that the northern States and northern presses, and northern feeling, were resolved to prevent the admission of any more slave States; that the majority in Congress were determined on the same course; and seeing this, they knew that the only possible chance to be admitted into the Union as a State was, to prohibit slavery therein. The force of necessity, growing out of the action of this body, *compelled* them to prohibit slavery. They believed it was the only means of obtaining a government. That belief was predicated on the prior action of the Free-Soil majority here. The question actually before them was a *government excluding slavery*, or *no government at all*. Under these circumstances, they decided, and that decision is now before us. But can that be called *non-intervention*? Were they at liberty to exercise their discretion on the subject? Could they expect to be admitted as readily *with* as *without* slavery? No, sir; no. There was a manifest *compulsion* operating upon them; and to call such a decision voluntary, and the result of *non-intervention*, is as contradictory as to say a man parted with his leg from *choice*, when, in point of fact, you had wounded it, and caused it to fester, and inflame, and mortify, until amputation became necessary to save life.

Sir, in this connection there is another fact worthy of consideration. When the proposition to exclude slavery was pending before the convention of California, the propriety of submitting that question to the direct vote of the people, in a separate article, was suggested, and yet the convention did not permit it to be done. They would not trust the question *to the people*. They placed the whole constitution as a unit before them, and compelled them to vote for it, including the prohibition of slavery, or against the whole, which would have left them without government and without protection. Hence, the people themselves have never had an opportunity to determine this question, as free moral agents. Constraint and coercion are exhibited throughout the whole proceedings. On a question so important and so delicate, it was certainly due to the people of the territory, as well as the whole Union, that it should have been submitted as a single question to a direct decision of the qualified electors. And not only so, but the whole structure of the fundamental law should have been left to those who, in a correct sense, are *citizens*, domiciled there, and who are to live under the constitution after its adoption. It is well known that a very large number of those who participated in that movement are still citizens of other States of the Union. They left their families in the States, at their permanent homes, and went to California for a *temporary purpose*; and it is not just for them to shape the institutions of a government under which they are not to live. It is contrary to the well-established principle of *self-government*. The *permanent* citizens of a country should govern it, and not strangers and adventurers, however worthy, who happen to be within its limits. And if it would be an arbitrary act for Congress to interfere in such cases, it would certainly be equally objectionable for citizens of other States, after failing to get Congress to do so, to interfere and accomplish the same thing. And what right had the Executive to advise the erection of a State, when Congress had *refused* to pass a law authorizing the same thing? The Executive advises, encourages, and accomplishes what Congress had refused to permit! And with all this evidence before me, I am to be told that it is the quintessence of non-intervention! Sir, the case is quite anomalous and most extraordinary.

But, to test the sincerity of gentlemen, and to bring about a correct understanding of each other's conduct, I will submit a proposition. Let us organize territorial governments for New Mexico, for Deseret, and for California, authorizing the latter to form a constitution just as they may please, provided it be republican, and guarantying her admission into the Union. How many gentlemen present would vote for that proposition? How many of those who pretend to be in favor of non-intervention would support a proposition, which is such in point of fact, and which would submit the question exclusively to the people? No trouble or inconvenience would arise from it. The people would be protected, and society more settled, and better prepared to frame their fundamental law. They would then come into the Union in the regular way, they would settle the question for themselves, under the assurance that they had their choice; and practical non-intervention would be carried out. This disposition of the subject would pacify the South, and it could not possibly operate to the injury of any section of the Union. And surely the North should be satisfied with it; for they have already, by keeping up the agitation, kept the slaveholders from going to California, and the Free Soilers are now exulting at having accomplished that much of their unjust scheme.

Another objection to the admission of California at this time is, the unreasonable boundary she claims. The subject of boundaries for a new State, falls appropriately within the duty of Congress. California claims the whole Pacific coast, from Oregon to the Mexican line, making about nine hundred miles of coast line, and nearly equal, in degrees of latitude, to the distance from Galena to Natchez. This is too long for one single State, and should be curtailed by us to some reasonable length. I have, therefore, submitted an amendment, to make the southern boundary of California the line of 35° 30′ north latitude, leaving sufficient territory south of that line for another excellent State. This amendment is offered in obedience to the instructions of the State of Missouri, to whom I am under so many obligations for past favors, and whose expressed will it affords me a pleasure to obey. She has instructed her Senators and requested her Representatives to vote for the application of the line of 36° 30′ *to the organization of territories* or *States*. The instruction is obligatory upon the Senators, and I will not disregard the request. It is just and proper in itself, and will make an equitable division of the territory. California will still be left sufficiently large for a State, and will still be nearly *twice* the size of Missouri. And if this amendment is rejected, and the voice of Missouri in favor of it unheeded, and if no satisfactory adjustment is made of the whole question, I shall be constrained to vote against her admission into the Union. With such a vast extent of territorial limits, and with her rich resources, she would become too large in population, and overwhelming in her influence, for the safety and equality of the States. And especially would it be unsafe and dangerous to the South to bring into the Union such a State, to have the weight of her influence thrown in the scale against her, while any important part of the delicate and difficult question of slavery remains unsettled, and subject to free-soil aggressions. If the North refuse to do us justice now, we could not expect anything better after their strength had become increased. If they refuse to settle the question on living terms at this time, how can we hope for it when they shall have obtained additional power? If she is not deaf to the voice of justice and constitutional right, the entire question can now be finally and amicably disposed of; and if she is deaf, why should we seek to add to her power of oppression. A refusal to give us a fair settlement to secure our property, should satisfy the most incredulous, that the design is to carry on the unnatural warfare until the whole system of anti-slavery aggression shall be fully consummated. Why so much anxiety to admit California under the present circumstances? It does not settle the present controversy. It does not promise us peace. Why not establish a good territorial government without the Wilmot proviso, to continue until the population shall become *harmonized* in the order of society, and then permit the formation of a State government, with proper boundaries, on the true principles of non-intervention? It is contended, however, that California cannot be remanded to the territorial condition, and to support that argument we are referred to the Missouri controversy. Gentlemen overlook the fact that California is yet a territory, and not an independent State; and that *no remanding* is necessary. Missouri was an independent State, *formed in compliance with a law of Congress authorizing it*. She consequently could not be remanded. Not so with California. She is not yet a State, and never can become one, without the consent of Congress, except by revolution for separate independence as a nation. There is no analogy in the two cases. There is not the first point of resemblance between them. They are wholly dissimilar in facts, principles, and attending circumstances. The one was a *State*, the other is not; the one was formed by consent of Congress, the other is an attempt at formation notwithstanding the *refusal* of such consent; the one was created

in the regular, legal way; the other by dangerous usurpation. The *sovereignty* of the territory is certainly vested in the United States, and no independent State can be formed therein without the consent of the *supreme sovereignty*, or by revolution establishing an independent nation. Congress can only admit into the Union sovereign, independent States, and cannot compel them to apply for admission. It is, and must be, purely a voluntary application on their part. Now, if the Cherokee Indians, or any other people living in the territory of the United States, can create an independent State when they please, and do not ask to be admitted into the Union, the jurisdiction of the United States may be ousted at any time, and the tenure by which the territories are held, is very precarious, indeed. Sir, the position, that States may be created without and *against* the consent of Congress, will not bear the test of close investigation. It is inconsistent with the nature of the relation existing between the territory and our Government. But when the people do form a State government, they have the undoubted right to shape their institutions according to their own will and pleasure, and cases might arise when they would be justified in resorting to the revolutionary right, and act without the consent of Congress; but still it would be a revolution, and not the exercise of a *constitutional privilege*. California, then, not being an independent State, has no right to insist upon admission. But notwithstanding all these valid objections, I am, nevertheless, willing to vote for her admission, with suitable boundaries, provided we can also make a final adjustment of the subject of dispute on satisfactory terms. For the lasting good of the Union, I will forego objections which, under other circumstances, should justify her rejection; and I would feel authorized to do so from this consideration. Though the pretended constitution of California is an illegitimate off-spring of usurped power, yet we could now legalize the act by giving a consent which would afterward be construed, on the principle of presumption, to apply to the time of its formation. Then the State could be admitted into the Union, and these two acts might even be contemporaneous in point of time. But this extraordinary proceeding should never be tolerated, except in cases of extreme necessity. A full and harmonious settlement of the whole slave question would be such a case of necessity. Without such settlement, we could not be justified in ratifying the illegal acts of California. It would be regarded by the Abolitionists and Free Soilers, all of whom *without exception*, support it as a complete triumph; and it would irritate and weaken the South, and increase the embarrassments which already surround this most difficult and dangerous of all other subjects.

Mr. Chairman, I have now given, with as much brevity as possible, my honest convictions with regard to the means by which constitutional union can be preserved, and the equal rights of the States maintained. I have purposely omitted the investigation of the legal questions concerning the Mexican laws in the territory, and the want of power under the Constitution to exclude any kind of property from the public domain. These I may take occasion to examine at some future time, but for the present I have confined myself to the practical plans of satisfactory adjustment. The safety of the Republic is too important to neglect any opportunity of rendering it our best service. The lasting good of the Union is above all price. Strict adherence to the spirit of the constitutional compact, and the cultivation and practice of social and political attachment, are the only means of insuring its perpetuation.

Gentlemen are vieing with each other in their professions of love and regard for the Union. To sing its praises, and laud its glories, are the constant efforts of eloquent members. The progress of the past, the benefits of the present, and the bright anticipations of the future, are all painted in glowing colors with a master's hand. Of this I complain not; it meets with a hearty response in my own bosom. But I want something more than professions of regard. I desire the certain evidence afforded by practical action. "Faith, without works is dead," and laudations of the Union, without corresponding efforts to preserve it, are but as "the sounding brass and tinkling cymbal." Let us, then, come up to the work in the true spirit of patriotism. We must condemn and remove the cause which has brought us to this deplorable condition. That cause is the slavery agitation. It has been raised and fostered at the North, and urged upon Congress in its various shapes. But for this, the South would be satisfied. They ask for nothing, and implore to be let alone. How easy, then to pacify the country, and avert the present danger. How easy to save the Union, if gentlemen love it as much as they pretend. Let them but cease their attacks upon southern rights—let them respect the Constitution, as it was construed and administered in the earlier days of the Republic—let them abstain from wanton insult and reckless irritation—let them treat us as brethren and as equals, and all will yet be well; peace and tranquility will again be restored. And will not this *Union loving* people do that much for the sake of the Union? The South are perfectly content with the Constitution as it is, and as it came from the hands of our revolutionary fathers; but having become alarmed at the fearful assaults made upon their rights, they now insist upon a full, fair, and complete settlement of the whole subject of dispute. If they are to remain as *equals* under the Federal compact, they desire to know it now—if they are to be degraded step by step to the abject condition of vassalage, they wish to be informed of it at once. Surely, if personal and party considerations be all discarded, and the country's weal alone considered, we can arrive at some common understanding, which will soothe and conciliate the troubled mind of the people. Threats can neither intimidate the South nor the North, and supplication is not the language of freemen. A returning sense of justice is my whole reliance in this trying emergency; and I sincerely hope, that in all our efforts to dispose of this question in a just, amicable, and satisfactory manner, we will invoke a spirit of kindness and good will, ever remembering that harmony is the beauty and strength of all institutions, but more particularly ours.

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